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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,586	08/06/2003	Allen M. Gilbert	RSW920030087US1 (102)	1393

46320 7590 04/16/2007	EXAMINER	
CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP	BIAGINI, CHRISTOPHER D	
STEVEN M. GREENBERG		
950 PENINSULA CORPORATE CIRCLE	ART UNIT	PAPER NUMBER
SUITE 3020	2142	
BOCA RATON, FL 33487		

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/635,586	GILBERT ET AL.
	Examiner	Art Unit	
	Christopher D. Biagini	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or .extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after t he mailing date of this communication, even if timely filed, may re duce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 August 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>06 August 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-SB/08)
Paper No(s)/Mail Date <u>6/9/2006, 8/6/2003</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement filed 8/6/2003 fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the citation for the reference

Simplifying Network Administration using Policy based Management lacks the date of

publication and a listing of relevant pages. It has been placed in the application file, but

the information referred to therein has not been considered as to the merits. Applicant

is advised that the date of any re-submission of any item of information contained in this

information disclosure statement or the submission of any missing element(s) will be the

date of submission for purposes of determining compliance with the requirements based

on the time of filing the statement, including all certification requirements for statements

under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

2.   The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: the term "machine readable storage" recited in claims 11-18

lacks antecedent basis in the specification.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claim 9-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3.   Regarding claim 9, the elements "an administration policy" and "an exit routine" refer to software *per se*. Furthermore, applicant's specification defines "components" as including "application components" and "software resources" (see paragraph [0017]). Therefore, applicant's specification provides evidence that the element "a policy evaluation component" is also intended to encompass software *per se*. In the absence of a structurally and functionally interrelated computer-readable medium, software *per se* is not statutory subject matter. See MPEP §2106.01.

4.   Regarding claim 10, the element "a rules engine" refers to software *per se*, and is rejected for the reasons above.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claims 6 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7.   Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "autonomically" in claims 6 and 16 is used by the claim to mean "without the manual intervention of a human operator", while the accepted meaning is "in a manner related to the portion of the vertebrate nervous system that governs involuntary actions." The term is indefinite because the specification does not clearly redefine the term.

8.   For the purposes of this action, the term "autonomically" will be interpreted to mean "without the manual intervention of a human operator."

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1-2, 9, and 11-12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann et al. (US Pat.

No. 6,499,031, hereinafter "Hopmann").

11.   As to claims 1 and 11, Lortz shows a systems administration policy enforcement

method, and a machine readable storage having stored thereon a program for causing

a machine to perform such a method (inherent to any computer-implemented system),

comprising: responsive to a request to perform an administrative task (comprising a

resource request, which can include administrative tasks such as editing: see [0021])

directed to a resource (resource device 14) within a computing network (network 16),

retrieving an administration policy comprising a set of rules for governing said

administrative task (the policy comprising policy data and the rules comprising access

control entries: see [0019] and [0044]-[0045]), and permitting said administrative task

only if a set of rules in said retrieved policy are satisfied (see step 310 in Fig. 4C and

[0045]).

12.   Lortz does not show retrieving state data for a resource and applying a policy to

retrieved state data. Hopmann shows retrieving state data (comprising whether or not a

resource is locked) for a resource and applying a policy to retrieved state data (the

policy being that a resource is only available if it does not have a lock token: see lines 7-

9 of col. 1 and col. 8, line 65 to col. 9, line 2). It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify the invention of Lortz with

the evaluation of state data as taught by Hopmann in order to prevent administrative

task requests from overwriting one another (see Hopmann, col. 2, lines 14-18).

13.   As to claims 2 and 12, Lortz in view of Hopmann shows the limitations of claims 1

and 11 as applied above, and Lortz further shows providing a user interface for

establishing said set of rules for said administration policy (see lines 7-10 of [0031]);

and storing said administration policy for subsequent retrieval in said retrieving step

(see lines 1-5 of [0035]).

14.   As to claim 9, Lortz shows a system administration policy enforcement system

comprising: an administration policy comprising a set of rules for permitting and

disallowing administration of resources in a system hosting a plurality of interdependent

resources (the policy comprising policy data and the rules comprising access control

entries: see [0019] and [0044]-[0045]); a policy evaluation component configured to

determine whether rules in said administration policy are satisfied (comprising the

component which determines whether or not to grant a client access, as described in

[0045]); and an exit routine coupled to a resource in said network, said exit routine

having logic for forwarding requests to administer said resource to said policy evaluation

component (the exit routine comprising the component which receives the resource

request and initiates the evaluation process: see [0044]).

15.   Lortz does not show the policy evaluation component configured to retrieve

resource state data and determine whether said retrieved resource data satisfies rules

in said administration policy. Hopmann shows retrieving resource state data (comprising whether or not a resource is locked) and determining whether said retrieved resource state data satisfies rules in an administration policy (the policy being that a resource is only available if it does not have a lock token: see lines 7-9 of col. 1 and col. 8, line 65 to col. 9, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz with the evaluation of state data as taught by Hopmann in order to prevent administrative task requests from overwriting one another (see Hopmann, col. 2, lines 14-18).

16.   Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Bell et al. (US Pat. No. 6,880,005, hereinafter "Bell").

17.   Lortz in view of Hopmann shows the limitations of claim 1 as applied above, and additionally shows permitting an administrative task only if information satisfies a set of rules in a retrieved policy (see Lortz, [0045]). Lortz in view of Hopmann does not show retrieving environmental information, or permitting the administrative task where the information is environmental information.

18.   Bell shows retrieving environmental information for a computing network (the information comprising the current weekday, and the retrieving being inherent to evaluating a policy which dictates that information can only be accessed during specified days of the week: see col. 3, lines 27-30 and col. 2, lines 16-20). Bell further shows permitting an administrative task only if the environmental data satisfies a set of

rules in a policy (see col. 3, lines 27-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the invention of Lortz in view of Hopmann with the environmental data and policy evaluation of Bell in order to ensure that administrative tasks are allowed to occur only during specified times.

19.   Claims 4-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Burns et al. (US PGPUB 2003/0014644, hereinafter "Burns").

20.   As to claims 4 and 14, Lortz in view of Hopmann show the limitations of claims 1 and 11 as applied above, and show retrieving state data for said resource as applied above, but do not show retrieving state data for other related resources in said computing network.

21.   Burns shows retrieving state data for other related resources in a computing network (see [0038]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz in view of Hopmann with the state retrieval of Burns in order to ensure that all the relevant network policies are upheld (see Burns, lines 9-13 of [0038]).

22.   As to claims 5 and 15, Lortz in view of Hopmann show the limitations of claims 1 and 11 as applied above, and further show disallowing said administrative task if said further retrieved state data fails to satisfy said set of rules in said retrieved policy (see

step 310 of Lurtz), but do not show identifying a related resource having a related

resource state giving rise to said state data for said resource failing to satisfy said set of

rules in said retrieved policy; requesting remediation of said related resource state so

that said related resource state satisfies said set of rules in said retrieved policy; and

further permitting said administrative task subsequent to a remediation of said related

resource state.

23.   Burns shows identifying a related resource having a related resource state giving

rise to state data for a resource failing to satisfy a set of rules in a retrieved policy (see

lines 1-9 of [0039] and lines 6-10 of [0044]); and requesting remediation of said related

resource state so that said related resource state satisfies said set of rules in said

retrieved policy (see [0044]-[0045]). It would have been obvious to one of ordinary skill

in the art at the time of the invention to further modify the invention of Lortz in view of

Hopmann with the identification and remediation system of Burns in order to ensure

security policies are upheld even when the state of the network and its components

change (see Burns, [0011]).

24.   It is noted that the method of Lortz in view of Hopmann and Burns would permit

said administrative task subsequent to a remediation of said related resource state, as

the system would have no reason to disallow the task if the related resource state were

remediated.

25.   As to claims 6 and 16, it is noted that the steps of disallowing, identifying,

requesting, and further permitting are performed autonomically; that is, without the

invention of a human operator.

26.   As to claims 7 and 17, it is noted that the steps of disallowing, identifying,

requesting, and further permitting as applied above are performed recursively for each

related resource whose state gives rise to a failure of said resource to satisfy said

retrieved policy (see Burns, [0045]).

27.   Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lortz (US PGPUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and

further in view of Hall (US Pat. No. 5,930,479).

28.   Lortz in view of Hopmann show the limitations of claims 1 and 11 as applied

above, and further show inserting an exit routine in an administrative interface of said

resource (the exit routine comprising the component which receives the resource

request and initiates the evaluation process, and the administrative interface being the

necessary interface through which the client requests the resource: see [0044]), said

exit routine having a configuration for forwarding requests to administer said resource to

a policy evaluation component programmed to perform said steps of retrieving, further

retrieving, applying, permitting (the forwarding being necessary to initiate the request to

the policy manager and evaluate the received policy data: see [0044]-[0045]), but do not

show that the administrative interface is an administrative console.

29.   Hall shows an administrative interface comprising an administrative console (see Fig. 11 and lines 39-58 of col. 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lortz in view of Hopmann with the administrative console of Hall in order to provide a familiar interface through which clients may make task requests (see lines 53-56 of col. 16).

30.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz (US PGPUB 2003/0018786) in view of Hopmann (US Pat. No. 6,499,031), and further in view of Krumel (US PGPUB 2002/0083331).

31.   Lortz in view of Hopmann show the limitations of claim 9 as applied above, but do not show a rules engine coupled to said policy evaluation component and configured to retrieve said set of rules on behalf of said policy evaluation component. Krumel shows a rules engine configured to retrieve rules (see lines 5-8 of [0096]). It would have been obvious to one of ordinary skill in the art to modify the invention of Lortz in view of Hopmann with the rules engine of Krumel in order to speed development by using pre-existing software products to perform the rule retrieval. See also paragraph [0023] of applicant's specification, which explains that rules engines are well-known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Biagini whose telephone number is (571)

272-9743. The examiner can normally be reached on M-R 7:30-5, 7:30-4 alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER